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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/856,944	05/15/97	HOFFMANN	E 4100-77CON

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MM42/0917

EXAMINER

ASHER, K

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 09/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/856,944

Applicant(s)
Hoffman et al

Examiner
Kimberly L. Asher

Group Art Unit
2854



☒ Responsive to communication(s) filed on 7/29/99 & 8/27/99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892 (copy of 892 att'd to p#6 sent to ap).

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Art Unit: 2854

PLEASE NOTE THAT THE INSTANT APPLICATION HAS BEEN TRANSFERRED TO PRIMARY EXAMINER KIMBERLY L. ASHER DUE TO THE RETIREMENT OF PRIMARY EXAMINER J. REED FISHER. PLEASE CORRECT YOUR RECORDS AND DIRECT ALL CORRESPONDENCE ACCORDINGLY.

The Final Rejection of 4/27/99 is hereby incorporated by reference, repeated, and maintained *in toto*.

Applicants' arguments filed 7/29/99, have been fully considered but they are not deemed to be persuasive.

Initially, it is noted that Applicants' disclosure as originally filed states that the use of a laser for the welding process to make the claimed device and in the method claimed is known prior art (page 7, paragraphs 2 and 3). Specifically, "Figure 2 shows possible ways of producing the carrying sleeve 1 in a quasi-continuous fashion, as is currently known by those in the tube welding art. The welding process itself is carried out by a laser beam. ...The carrying sleeves may also be produced by means of the welding device known from DE 43 11 078. The external surface of the welded carrying sleeve 1 is then processed to create a homogeneous, continuous outer surface. To carry out this surface processing, it is possible to use known production methods for smoothing a metal surface, such as turning, polishing or the like." Further, applicants state that the processing is known prior art (page 8, paragraph 1). Specifically, "For use in offset printing as the carrying sleeve 1 for a printing form, the entire sleeve surface, including the connecting seam, in the present case a welded seam 2, is subsequently chemically roughened, anodized and provided with a final photosensitive coat, as is already known from the process steps during

printing plate production. In respect to technical printing characteristics, this printing form sleeve is identical to conventional printing plates, except that this printing form sleeve permits continuous printing.” So, the sleeve is admitted known prior art and the method of making is admitted known prior art. Applicants' sole contribution being that such a plate, as produced, is used for continuous printing - page 8, lines 4-6. Therefore, the question before the Examiner is whether or not the prior art teaches or renders obvious the use of a continuous metal sleeve for continuous printing. At the very least, such is clearly taught by Tittgemeyer (US Patent No. 4913048) who teaches endless, offset printing via an endless sleeve which is air mounted, that allows for endless printing because it has no interruption due to its seam. Given that Tittgemeyer is silent as to how the sleeve is formed, it would have been obvious to one of ordinary skill in the art to have looked to the prior art for guidance. Methods of forming continuous metal sleeves and such sleeves is acknowledged prior art by Applicants, and is taught by the references relied upon. Köbler et al (US Patent No. 5488903) teach welding metal seams together to form a continuous sleeve for a plate and gas expansion loading of such a formed sleeve on a form cylinder. Johnson (US Patent No. 1690684) teaches typical welding processes including turning and machining to achieve a smooth, continuous final product. Fantoni et al (US Patent No. 4965338) teach the provision of continuous plates via filling and/or adhesive joining to form completely continuous surfaces, where Köbler et al teach the functional equivalency of welding and adhesive connections (column 2, lines 58+). It is further noted that Applicants have

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only separately argued the references relied upon by the Examiner which does not fairly or accurately address the rejections actually made, and hence renders applicants' arguments completely non-persuasive. In summary, the prior art teaches the use of continuous metal sleeves as plates in continuous offset printing. The prior art teaches welding a metal sheet together to form such a metal sleeve. The prior art teaches that the weld be concave so that the seam is completely filled. The prior art teaches finishing the weld seam by turning or machining so as to have a completely smooth continuous sleeve. The prior art teaches the use of chemicals to roughen, anodize, etc. the plate surface. The prior art teaches the use of a laser to make the weld. The prior art teaches the disadvantage of a clamp or seam on a printing cylinder in offset printing. Applicants have not claimed any feature or contribution to the art that non-obviously distinguishes over the prior art of record. Applicants have presented broad concept claims that are clearly not allowable over the prior art of record. Applicants have advanced no arguments or reasoning to distinguish over the prior art.

This is a CPA of Applicants' earlier application S.N. 08/529,021. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in this case. See M.P.E.P. § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE

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SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. §1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner K. L. Asher at telephone number (703) 308-0956.

Any inquiry of a general nature should be directed to the Group receptionist at (703) 308-0956.

Status inquiries are to be handled according to MPEP section 203, and directed to the Group receptionist, not the Examiner.

Inquiries as to Terminal Disclaimer and PCT requirements should be directed to the Group Special Programs Team at (703) 308-0956.

Technology Center 2800's Customer Service Center can be contacted via Mr. David Willis, at (703) 306-3329.

The informal facsimile phone number for Technology Center 2854 is (703) 308-2864.

The Formal Facsimile numbers for Technology Center 2800 are (703) 308 - 7725.

PLEASE CALL THE EXAMINER PRIOR TO SENDING ANY FAX to the Art Unit fax number. This will ensure that the Examiner receives the fax promptly.

September 14, 1999


Kimberly L. Asher
Primary Patent Examiner
Technology Center 2800